

# Exhibit B

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**

7-13-07  
JUL 13 2007

**MICHAEL W. DOBBINS**  
CLERK, U.S. DISTRICT COURT

PROFESSIONAL SALES AND  
MARKETING GROUP, INC.,  
an Illinois corporation,

Plaintiff

v.

RENETTO, LLC,  
a Maryland limited liability company,

and

SWIMWAYS CORP.,  
a Virginia corporation,

Defendants.

Case No.

07CV3951

JUDGE CASTILLO

MAG. JUDGE KEYS

**JOINT NOTICE OF REMOVAL**

Come now Petitioners Renetto, LLC ("Renetto") and Swimways Corp. ("Swimways") (collectively "Defendants" or "Petitioners"), Defendants in the above-styled case, and, pursuant to 28 U.S.C. §§ 1441 and 1332, hereby file this Notice of Removal to this Court of the above-captioned action, pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division ("Circuit Court"), Case Number 2007-CH-15657. In support thereof, Petitioners state, as follows:

**BACKGROUND**

1. This action was commenced by the filing of the Complaint on June 13, 2007. As of this date, the Summons and Complaint have been served on the following Defendants:

- (a) As to defendant Renetto,  
Service date: June 30, 2007,
- (b) As to defendant Swimways,  
Service date: June 28, 2007.

2. True and correct copies of all pleadings, process, and orders on file with the Clerk of the Circuit Court are attached as Exhibit A.

3. Plaintiff Professional Sales and Marketing Group, Inc. ("PSM") has filed this action alleging four causes of action against Defendants: (1) a count for breach of contract against Renetto, (2) a count for breach of a partnership agreement against Renetto, (3) a count for a declaratory judgment against Renetto and Swimways, and (4) a count for an injunction against Renetto and Swimways. (Compl. at 6, 9, 10, 13).

4. Plaintiff's Complaint herein prays for damages in an amount in excess of \$100,000 for count one, in excess of \$100,000 for count two, and various forms of declaratory and injunctive relief for counts three and four. (Compl. at 9, 10, 13, 16).

#### **THE PARTIES**

5. Plaintiff PSM is incorporated under the laws of Illinois and maintains its principal place of business in Cook County, Illinois.

6. Defendant Renetto, LLC is and was at all times pertinent hereto a limited liability company organized under the laws of the State of Maryland. See Compl., ¶ 2. The members of Renetto are as follows: (1) Paul Robinette, a citizen of the state of Ohio; (2) David Reeb, a citizen of the state of Maryland; and (3) Steve Tinto, a citizen of the state of Arizona. See Declarations of Paul Robinette, David Reeb, and Steve Tinto, attached hereto as Exhibits B-D. Renetto is not a citizen of the State of Illinois for purposes of diversity jurisdiction. See 28 U.S.C. § 1332(c)(1).

7. Defendant Swimways Corp. is and was at all times pertinent hereto a corporation organized under the laws of the Commonwealth of Virginia, with its principal place of business in Virginia Beach, Virginia. See Declaration of Anthony Vittone attached hereto as Exhibit E. Swimways is not a citizen of the State of Illinois for purposes of diversity jurisdiction. See 28 U.S.C. § 1332(c)(1).

8. Renetto and Swimways are the only named defendants in this suit.

#### **JURISDICTION**

9. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(2) because this action is between citizens of different states between the Plaintiff on the one hand and all named Defendants on the other, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

10. The United States District Court for the Northern District of Illinois is the federal judicial district embracing the Circuit Court of Cook County, Illinois, where the suit was originally filed. Venue is therefore proper under 28 U.S.C. § 1441(a).

11. This Notice of Removal is timely filed within thirty days after the first service on a Defendant of the pleadings setting forth the claims for relief and is filed within one year of the filing of the Complaint. See 28 U.S.C. § 1446(b).

12. By filing this Notice of Removal, Defendants do not waive or concede any defenses to the claims which may be available to either Defendant, or concede that Plaintiff has pleaded any claim upon which relief can be granted.

13. Pursuant to 28 U.S.C. § 1446(d), the above named Defendants have filed this Notice of Removal with this Court and are sending copies of the Notice of Removal to Plaintiff's counsel and to the Clerk of the Court for the Circuit Court of Cook County, Illinois, as shown by Exhibit F attached hereto.

Wherefore, the Defendants respectfully request that this Honorable Court assume jurisdiction over the instant action.

Respectfully submitted this 13 day of July, 2007.

RENETTO, LLC

By: 

Ayad P. Jacob

LOCAL COUNSEL

Ayad P. Jacob

SCHIFF HARDIN LLP

6600 Sears Tower

233 South Wacker Drive

Chicago, IL 60606-6473

OF COUNSEL

Royal W. Craig

Anthony Vittoria

OBER KALER

120 East Baltimore Street

Baltimore, Maryland 21202

Phone: (410) 347-7303

Fax: (443) 263-7503

*Attorneys for Defendant Renetto, LLC*

SWIMWAYS, CORP.

By: 

William A. Chittenden III

CHITTENDEN, MURDAY, & NOVOTNY LLC

303 West Madison Street, Suite 1400

Chicago, Illinois 60606

Phone: (312) 281-3600

Fax: (312) 281-3678

*Pro Hac Vice Motions Pending*

David C. Burton

William R. Poynter

WILLIAMS MULLEN, PC

222 Central Park Avenue

Suite 1700

Virginia Beach, Virginia 23462

Phone: (757) 499-8800

Fax: (757) 473-0395

*Attorneys for Defendant SwimWays Corp.*